

I. Remarks In Response to the Office Action

A. General Remarks

Claims 1-35 are pending in the application.

Claims 3-5 have been amended for proper antecedent basis, and claim 16 has been amended to improve its readability. Claims 22 and 26 have been amended to include “and” where appropriate, and claims 2 and 35 has been amended to correct typographical errors.

In responding to the Examiner’s prior art rejections, Assignee here only justify the patentability of the independent claims. As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

B. Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 7-10 and 24 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 7 and 8 have been amended to depend from claims 6 for proper antecedent basis, whereby claims 9-10 also now have proper antecedent basis. Claim 24 has been amended to recite that the third movie comprises “a background matte movie, a scale map movie, a displacement map movie, a luminosity map movie, a zoom-x map movie, or a zoom-y map movie,” which makes clear that “or” refers to all of the above listed movies. In light of these amendments, Assignee respectfully requests that the rejection of claims 7-10 and 24 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn in the next paper from the Office.

C. Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 1-21 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Independent claim 1 has been amended to call for “making the result available for use by the video editing application,” and independent claim 14 has been amended to call for instructions to “make the result available for use by the video editing application.” With these

amendments, the claimed subject matter produces a tangible result because the result of compositing the multimedia assets that define the transition with the target and source multimedia objects is made available for use by a video editing application. Support of the amendments to claims 1 and 14 can at least be found at Paragraph [0030] of the originally filed disclosure. Accordingly, Assignee respectfully requests that the rejection of claims 7-10 and 24 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn in the next paper from the Office.

D. Claim Rejections – 35 USC § 102

Claims 1-4, 6, 11-12, and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 6,154,600 (“Newman”). Assignee respectfully traverses the contention that Newman anticipates claims 1-4, 6, 11-12, and 14-20 under 35 U.S.C. § 102(b) insofar as Newman does not teach or suggest each claimed element in independent claims 1 and 14.

As amended, independent claims 1 and 14 call for identifying a plurality of multimedia assets that define a transition, wherein *at least one of the plurality of multimedia assets is user-supplied independent of any multimedia assets provided by a video editing application.* See independent claims 1 and 14. Support for these amendments can at least be found at Paragraphs [0008], [0020], and [0028] in the original specification.

In context of Assignee's claims, a result is created by compositing a source multimedia object, a target multimedia object, and a transition defined by a plurality of multimedia assets where at least one of the assets is supplied by the user independent of any multimedia assets provided by a video editing application. This is simply not the case in the disclosure of Newman.

In contrast to Assignee's claimed elements, Newman discloses provided transitions, and these provided transitions are merely *selected* by the user to perform a transition between captured hypermedia. In particular, Newman discloses that to perform a transition between a first and a second sequence of frames, a non-linear editor (200) Fig. 5 responds to the consumer's input and creates an alpha frame, which describes how to combine the first and second frames so as to form the transition. See Newman at col. 9, ll. 32-44. At points in the

disclosure, Newman discloses that the system can select default transitions, which thereby correspond to default alpha frames describing how to combine the first and second frames so as to form the default transition between frames of captured hypermedia. *See* Newman at col. 14, ll. 15-18; col. 15, ll. 26-29; col. 17, ll. 7-12. At another point in the disclosure, Newman discloses that the user can select a predetermined transition in a transition GUI 470 and drop it in a storyboard between a pair of clips to create the transition between the clips. *See* Newman at col. 16, ll. 4-20, and Fig. 11. Thus, the predetermined transition selected by the user in the transition GUI 470 corresponds to the input that the non-linear editor (200) Fig. 5 responds to and corresponds to predetermined alpha frames describing how to combine the first and second frames so as to form the predetermined transition. Accordingly, Newman discloses *predetermined* transitions in the editor that are merely *selected* by the system or the user—not *supplied* by the user *independent* of any multimedia assets provided by a video editing application. Therefore, Newman fails to teach or suggest each claimed elements in Assignee's independent claims 1 and 14.

Despite these differences, the Examiner appears to have misinterpreted the disclosure of Newman because the Examiner has implied that the captured hypermedia in Newman defines a transition. For example, the Examiner states that “the hypermedia selected by a user and used in the alpha frame defines a transition effect.” Office Action at page 5. Elsewhere, the Examiner states that “Newman’s system allows any captured hypermedia including a clip or video to be used in defining transitions.” Office Action at page 6. However, the captured hypermedia as disclosed in Newman does not define a transition in the same way Assignee’s claims call for multimedia assets that define a transition. Rather, the captured hypermedia in Newman is combined with alpha frames that describe how to combine first and second frame sequences of hypermedia. Thus, it is the alpha frames that define a transition and not the captured hypermedia that is combined by the alpha frames. As noted above, the alpha frames correspond to default or predetermined transitions selected by the system or the user and are not user-supplied independent of any media asset provided by a video editing application.

Therefore, Newman fails to teach or suggest each claimed element in Assignee’s independent claims 1 and 14. For at least these reasons, independent claims 1 and 14 and those

depending therefrom are not anticipated by Newman, and Assignee respectfully requests allowance of claims 1-4, 6, 11-12, and 14-20 in the next paper from the Office.

E. Claim Rejections – 35 U.S.C. 103

1. Claims 22, 26-28, and 34-35

In paragraph 10, claims 22, 26-28, and 34-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Newman alone. Assignee respectfully traverses the rejection contending that Newman renders claims 22, 26-28, and 34-35 as obvious under 35 U.S.C. § 103(a) insofar as Newman does not teach or suggest each claimed element in these claims.

Each of independent claims 22, 26, and 27 calls for “*identifying an x-asset key that is independent of any x-asset key provided by the video editing application*,” wherein the x-asset key comprises at least one second movie” and calls for “compositing a transformation by combining the first movie and the second movie in accordance with the x-asset key.” Each of independent claims 28, 34, and 35 calls for “*identifying an x-asset key that is independent of any x-asset key provided by the video editing application*,” wherein the x-asset key comprises at least one movie” and calls for “compositing the first image frame, the second image frame and each frame of the movie in accordance with the x-asset key using the video editing application.”

Newman fails to teach or fairly suggest an x-asset key that is used to composite a transformation combining movies (or compositing frames) and that is independent of any x-asset key provided by a video editing application. Rather, Newman discloses *predetermined* transitions in the editor that are merely *selected* by the system or the user to perform a transition between captured hypermedia. *See* Section D above. Therefore, Newman fails to teach or suggest each claimed elements in Assignee’s independent claims 22, 26, and 27.

2. Claims 5, 7-10, 13, 21, 23-25, 29-33

In paragraphs 11 through 15, claims 13, 21, and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of US 2002/0116716 (“Sideman”); claims 5, 7, and 8 stand rejected over Newman in view of US 6,909,438 (“White”); claims 9-10 stand rejected over Newman in view of White and further in view of US 2004/0218894 (“Harville”);

claim 30 stands rejected over Newman in view of US 5,528,310 (“Peters”); and claims 23-25 and 31-33 stand rejected over Newman in view of US 6,445,816 (“Pettigrew”). Assignee respectfully traverses the contention that the listed claims are rendered obvious insofar as combinations of Newman with the other cited references fail to teach or suggest each claimed element in independent claims 1, 14, 22, and 28.

Independent claims 1 and 14 call for identifying a plurality of multimedia assets that define a transition, wherein at least one of the plurality of multimedia assets is user-supplied independent of any multimedia assets provided by a video editing application. *See* independent claims 1 and 14. As noted previously in Section D, Newman fails to teach or suggest each claimed element in Assignee’s independent claims 1 and 14 because Newman discloses predetermined transitions in the editor that are merely selected by the system or the user—not supplied by the user independent of any multimedia assets provided by a video editing application.

Independent claim 22 calls for an x-asset key that is independent of any x-asset key provided by the video editing application and that is used to composite a transformation by combining a first movie and a second movie. Similarly, independent claim 28 calls for an x-asset key that is independent of the video editing application and that is used to composite a first image frame, a second image frame and each frame of a movie. As noted previously in Section E1, Newman fails to teach or suggest each claimed element in Assignee’s independent claims 22 and 28 because transitions in Newman are provided and are not independent of a video editing application.

Each of the cited references (Sideman, White, Harville, Peters, and Pettigrew) fail to provide the claimed elements missing from Newman so that the combination of Newman with these references fails to render independent claims 1, 14, 22, and 28 and any claims depending therefrom as obvious.

In particular, *Sideman* discloses an online video editing system that allows for real-time editing of videos and animations online using client-server interactions. “A user, operating a terminal running client software, such as Web browser software, can select archived audio and visual media, or upload his or her own media, or search associated libraries and compatible

networked media, then edit those assets using a powerful array of video editing transitions and visual and audio effects by interacting online with the video editor.” Paragraph [0048].

White discloses “a system for blending two images, such as blending one video source with another video source, blending a still image with a video source, blending a still image with a still image, etc.” To blend the images, the system uses a color map, which is a database that stores identifications of colors and blending information for the colors. *White* col. 2, line 61 to col. 3, line 16. *Harville* discloses how “path-enhanced” multimedia presentation that combines multimedia with GPS information can be captured and presented. *See e.g.*, *Harville* at Paragraph [0033].

Peters discloses a composing system that allows a user to create a transition by selecting two scenes to be displayed and place them in a composing area of the timeline, selecting one of a series of transition types, and drag the selected transition type to a position between the two scenes on the composition track of the timeline. *Peters* at col. 4, ll. 8-19. *Pettigrew* discloses digitally compositing video image data by deriving first image frames from a required foreground image recorded against an unrequired background image such that a compositing or blending process results in the unrequired background being replaced by a new background image. *See Pettigrew* at col. 1, ll. 4-9.

Nowhere do *Sideman*, *White*, *Harville*, *Peters*, and *Pettigrew* appear to teach or fairly suggest that multimedia assets that define a transition have at least one multimedia asset that is user-supplied independent of any provided multimedia assets of a video editing application nor teach or fairly suggest that an x-asset key used to composite a transformation is independent of any x-asset keys provided by a video editing application. Even if it were appropriate to combine these references with *Newman*, which Assignee does not concede, their combination with *Newman* cannot render independent claims 1, 14, 22, and 28 and any claims depending therefrom as obvious because each of the references fails to provide the claimed elements missing from *Newman*.

F. Conclusion

No fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing order number 119-0039US.

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To facilitate the resolution of any issues or questions presented by this paper, Assignee respectfully requests that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

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Date

/Sean McDermott/
Sean McDermott
Registration No. 49,000

Customer No. 29855
Wong, Cabello, Lutsch,
Rutherford & Brucculeri, LLP
20333 State Highway 249, Suite 600
Houston, Texas 77070
Direct: 832/446-2416
Fax: 832/446-2424